

# **NORTH AMERICA INTERNATIONAL PATENT OFFICE**

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DEC 15 2003

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**FROM : Winston Hsu, PATENT AGENT, REG. NO. : 41,526**

**SERIAL NO. : 09/683,729**

**SUBJECT: APPEAL BRIEF**

**TOTAL PAGES : 30 PAGES (INCLUDING COVER PAGE)**

**The hardcopy of this appeal brief will be sent to USPTO by Federal Express  
right away.**

**Winston Hsu 2003/12/10**



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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5    Applicant:    Wen-Sung Tsai                      Examiner:    Luu, Matthew                      DEC 15 2003  
         Filing Date:    02/07/2002                      Art Unit:    2672  
         Serial No.:    09/683,729                      Docket No.:    CEIP0037USA    Technology Center 2600

10    Title:            Display Device Capable of Dynamically Compensating Effect of  
                         Environmental Light

         To:            Commissioner for Patents  
                         P.O. BOX 1450  
                         Alexandria, VA 22313-1450

15    Subject:            Petition to extend the time period for filing Appeal Brief

Dear Sir/Madam,

20            This is a petition under 37 CFR 1.136(a) to extend the time period for filing the  
         accompanying Appeal Brief of the above-identified application. Since the Notice of  
         Appeal was filed July 11, 2003 the original time period for reply ended September 11,  
         2003. Accordingly, the time allowed for extension (5 months per MPEP 1206) has not  
         been exceeded.

25            Please extend the time period for filing the Appeal Brief to December 11, 2003,  
         and charge the corresponding fee under 37 CFR 1.17(a).

30

Sincerely,

5 Winston Hsu

Date: 12/10/2003

Winston Hsu, Patent Agent No. 41,526

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

5    Applicant:    Wen-Sung Tsai                      Examiner:    Luu, Matthew  
         Filing Date:    02/07/2002                      Art Unit:    2672  
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                         Alexandria, VA 22313-1450

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Technology Center 2000

15                      Subject:            Appeal Brief

                         Please find attached an Appeal Brief in accordance with 37 C.F.R. 1.192 in  
                         response to the Office action mailed 4/11/2003.

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## APPEAL BRIEF

This is an appeal in accordance with 37 C.F.R. 1.192 in response to the Office action mailed 4/11/2003 rejecting claims 6, 7, 9, 10, and 12-14 of application serial no. 09/683,729.

### REAL PARTY IN INTEREST (37 C.F.R. 1.192(c)(1))

The real part of interest is the assignee: Compal Electronics, Inc., No. 581, Jui-Kuang Rd., Neihsu, Taipei, Taiwan R.O.C.

### RELATED APPEALS AND INTERFERENCES (37 C.F.R. 1.192(c)(2))

None.

### STATUS OF CLAIMS (37 C.F.R. 1.92(c)(3))

Claims 1-5, 8, and 11: Cancelled

Claims 6, 7, 9, 10, and 12-14: Rejected

Claims 6, 7, 9, 10, 12, and 14: Appealed

### STATUS OF AMENDMENTS (37 C.F.R. 1.192(c)(4))

No amendment has been filed subsequent to final rejection.

### SUMMARY OF THE INVENTION (37 C.F.R. 1.192(c)(5))

The invention, as claimed and as illustrated in Figs.1 and 2, provides a plurality of light sensors 20 disposed around a screen 14 of a display device 12 of a computer system 10 (paragraph 0018). The sensors 20 are connected to a controller 30. The

sensors 20 measure and output detecting signals 21 corresponding to the brightness and color of ambient light around the screen 14. The controller 30 includes a color analyzer 36 that analyses the detecting signals 21 and controls a gray level adjusting device 32 to output adjusting signals 29R, 29G, 29B to light sources 34R, 34B, 34G of the display device 12 so as to adjust a color balance of an image on the screen 14 (paragraph 0022).

ISSUES (37 C.F.R. 1.192(c)(6))

Issue 1: Whether claims 6, 7, 9, 10, 12, and 14 are unpatentable under 35 U.S.C. §103(a) over Hansen (US 6,147,664) in view of Hirose et al. (US 5,032, 828).

GROUPING OF CLAIMS (37 C.F.R. 1.192(c)(7))

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The appealed claims 6, 7, 9, 10, 12, and 14 can be grouped.

ARGUMENT (37 C.F.R. 1.192(c)(8))

20 Re: Issue 1

Appealed claim 1 recites: “a plurality of sensors for detecting different colors of ambient light and generating corresponding detecting signals”. In contrast, the photodiode 16 taught by Hirose in US 5,032,828 does not and should not measure ambient light and thus cannot be reasonably combined with the teachings of Hansen in US 6,147,664 to make the claim 1 unpatentable.

Hirose’s photodiode 16 is adapted to measure light emitted by a light emitting element 15 (Fig.1). It is important to note that in all Hirose’s of embodiments (see Figs.1, 5, and 6; Fig.1 is representative) that comprise a photodiode, an LCD panel is located between the photodiode and the light emitting element. As such, the photodiode 16 measures light emitted by the light emitting element 15 and passing

through the LCD panel 12 (col.3 lines 18-23). In effect, the photodiode 16 and the light emitting element 15 form a closed loop calibration device for measuring the effect of the LCD panel 12 on light emissions of the CRT 11. The closed loop nature of Hirose's device is exemplified by Fig.7, which illustrates an embodiment without a photodiode or light emitting element.

Hirose does not disclose measuring ambient light. The applicant contends that since Hirose's closed loop is designed to measure the effects of the LCD 12 on light emitted by the CRT 11, preventing stray ambient light from being measured by the photodiode 16 would be desirable to prevent unknown effects on performance. That is, the effects of ambient light is neither directly addressed nor speculated on by Hirose. Furthermore, given the arrangements shown in Figs.1, 5, and 6 of Hirose, it would be apparent to one of ordinary skill in the art that the photodiode should be prevented from measuring ambient light. Thus, the applicant contends that Hirose discloses no motivation for using the photodiode 16 to measure ambient light, and further, suggests against such. One of ordinary skill in the art would not be motivated by Hirose to modify the photodiode 16 to measure ambient light.

In addition, Hansen does not suggest that another type of sensor, such as a color light sensor, could be used in place of the ambient light sensor 580 (brightness sensor, col. 14 lines 15-32). Thus, there is no motivation for one of ordinary skill in the art to incorporate Hirose's photodiode into Hansen's portable computer 550 of Fig.7.

The examiner does not indicate the motivation used to combine the teachings of Hansen and Hirose besides that provided by the applicant. Thus, these references were not considered as a whole and where combined in hindsight.

Sincerely,

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Winston Hsu

Date: 12/10/2013

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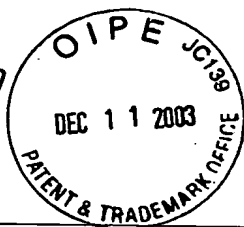


## APPENDIX – LIST OF CLAIMS UNDER APPEAL

6. A display device for a computer system comprising:
- a screen for displaying a picture image for a user in front of the screen;
  - 5 a plurality of sensors for detecting different colors of ambient light and generating corresponding detecting signals; and
  - a controller for adjusting color levels of the picture image displayed on the screen according to the detecting signals.
- 10 7. The display device of claim 6 wherein each of the sensors is capable of detecting a brightness of light emitted to a sensing surface of the sensor.
9. The display device of claim 7 wherein the controller adjusts a brightness of the picture image according to the detecting signals.
- 15 10. The display device of claim 9 wherein when the brightness of light detected by the sensors is greater than a predetermined value, the controller will correspondingly increase the brightness of the picture image.
- 20 12. The display device of claim 6 wherein the controller adjusts the color levels of the picture image so as to compensate for the ambient light color levels and to generate an expected picture image.
14. The display device of claim 6 wherein the computer system is a portable computer,
- 25 and the display device is a liquid crystal display installed on the portable computer.

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